



Wiley Rein & Fielding LLP

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OPERATIONS CENTER

2004 OCT 28 P 2: 24

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 OCT 28 P 2: 47

1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202 719 7000
FAX 202 719 7049

Virginia Office
7925 JONES BRANCH DRIVE
SUITE 6200
McLEAN, VA 22102
PHONE 703 905 2800
FAX 703 905 2820

www.wrf.com

October 28, 2004

Lee E. Goodman
202.719.7378
lgoodman@wrf.com

Jeff S. Jordan, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Via Hand Delivery

Re: Matter Under Review 5557 (Pipkin for U.S. Senate, Inc. and its Treasurer)

Dear Mr. Jordan:

On behalf of Pipkin for U.S. Senate, Inc. ("Pipkin Committee") and its Treasurer, Sharon M. Carrick, I submit this response to the complaint filed in the above-designated matter by Michael Morrill of the Mikulski for Senate campaign ("Mikulski Committee"). A signed Designation of Counsel form is enclosed.

The complaint erroneously alleges that the Pipkin Committee failed to forward a Notice of Expenditure from Candidate's Personal Funds (FEC Form 10) to the Mikulski Committee within 24 hours of receiving personal loans exceeding \$630,480 from Mr. Pipkin on September 30, 2004, as required by 11 C.F.R. § 400.21.

As established by the sworn affidavit of Sharon M. Carrick, attached hereto, the Pipkin Committee forwarded a copy of FEC Form 10 to the Mikulski Committee, the FEC, and the Secretary of the Senate via telefax from a Staples Copy & Print Center on September 30, 2004, at approximately 1:15 pm. Affidavit of Sharon M. Carrick ("Carrick Aff.") ¶ 3. The verifications show that three (3) pages (a fax cover page and the two-page Form 10) were transmitted successfully to the listed fax numbers. Carrick Aff. ¶ 2 & Attachment B. Records available on the FEC website show that both the FEC and the Secretary of the Senate received their respective faxes on September 30. (FEC Documents numbered 24020741087 & 24038524261.)

As reflected on the verification of fax transmission, the Pipkin Committee forwarded FEC Form 10 to the fax number that the Mikulski Committee identified on its Statement of Organization and on its website as being a campaign fax number: 410-468-0411. Carrick Aff. ¶ 4 & Attachments C & D.

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Wiley Rein & Fielding LLP

Jeff S. Jordan, Esq.

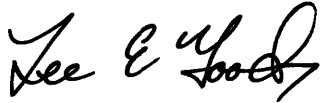
October 28, 2004

Page 2

As proven by the facts above, the statement in Mr. Morrill's sworn complaint (at p. 2) that "the Pipkin Committee never sent a copy to Ms. Mikulski or the Mikulski for Senate Committee" is a false statement. The Pipkin Committee sent and the Mikulski Committee received the timely FEC Form 10. Although it may be true that Ms. Mikulski discards constituent mail and other notices received on her fax machine, that practice should not afford Ms. Mikulski license to impose the costs and burdens of a frivolous FEC complaint upon her political challenger.

I respectfully request that the FEC dismiss the complaint forthwith.

Sincerely,



Lee E. Goodman

Enclosures:

Designation of Counsel

Affidavit of Sharon M. Carrick with Attachments:

Attachment A – Pipkin Committee's FEC Form 10 (September 30, 2004)

Attachment B – Fax Cover Sheets & Transmittal Verification to 410-468-0411 (September 30, 2004)

Attachment C – Mikulski Committee Statement of Organization (Fax No. 410-468-0411)

Attachment D – Mikulski Committee Website (Fax No. 410-468-0411)

25044123433



FEDERAL ELECTION COMMISSION

999 E Street, NW

Washington, DC 20463

Statement of Designation of Counsel
(Respondent/Witness)

Name of Counsel: Lee E. Goodman

Firm: Wiley Rein & Fielding LLP

1776 K Street, N.W., Washington, D.C. 20006

Telephone. (202) 719-7000

Fax (202) 719-7049

The above named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission

10/20/04

Date

Sharon Maenner Carrick

Signature

Name (Print).

SHARON MAENNER CARRICK

Address.

Po Box 100

Stevensville MD 21666-0100

Telephone: Home

Business (410) 643-6319

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Pipkin for U.S. Senate, Inc.)
and its Treasurer, Sharon M. Carrick) MUR No. 5557
)

Affidavit of Sharon M. Carrick

1. My name is Sharon M. Carrick, and I make the following statements to the best of my knowledge and belief.
2. I am Treasurer for Pipkin for U.S. Senate, Inc ("Committee").
3. On September 30, 2004, I faxed the two-page FEC Form 10 for Mr. E.J. Pipkin and his Committee to three recipients: Mikulski for Senate Committee ("Mikulski campaign"), the Federal Election Commission ("FEC"), and the Secretary of the Senate. The faxes were made from a Staples Copy and Print Center in Maryland. A copy of the duly-completed FEC Form 10 is attached hereto at Attachment A. Copies of the fax transmittal reports for the three recipients are attached hereto at Attachment B.
4. The fax to the Mikulski campaign was faxed to 410.468.0411, a number which is contained on the Mikulski campaign's FEC Statement of Organization and on its website. A copy of the Mikulski campaign's FEC Statement of Organization is attached hereto at Attachment C. A copy of a Mikulski campaign website providing the above fax number is attached hereto at Attachment D (emphasis added).

Under penalty of perjury and any other penalties possibly applicable under law, I swear that the foregoing statements are true to the best of my knowledge, belief, and recollection, and after due investigation of all my records.

Sharon M Carrick

Sharon M. Carrick

10/26/04
Dated

Sworn and subscribed to
Before me this 27th day of
October, 2004.

Dawn M. Cooley
Notary Public

My Commission expires:

DAWN M. COOLEY
Notary Public, State of Maryland
Anne Arundel County
My Commission Expires March 13, 2008

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25044123436

ATTACHMENT A

FEC FORM 10

24-HOUR NOTICE OF EXPENDITURE FROM CANDIDATE'S PERSONAL FUNDS (11 CFR 400.21 and 400.22)
(Millionaires' Amendment)

Page 1 of 2

1. Name of Candidate E. J. PIPKIN	2. Office Sought U.S. Senate	3. State MD	4. District	5. Candidate ID Number 54MD00152
6. Name of Principal Campaign Committee PIPKIN FOR US SENATE INC			7. Committee ID Number C00391870	
8. Address P.O. Box 100				
9. City, State, and ZIP Code Stevensville MD 21666-0100				

10. Expenditures of Personal Funds (If the candidate has made expenditures for different elections, submit a separate Form 10 for each election.)

Aggregate Expenditures Previously Reported During the Election Cycle

0.00

DATE	ELECTION	AMOUNT	CHECK IF LOAN/DEBT
A. 03' 25' 2004	Primary <input checked="" type="checkbox"/> General Other	50,000.00	<input checked="" type="checkbox"/>
B. 04' 28' 2004	Primary <input checked="" type="checkbox"/> General Other	80,000.00	<input checked="" type="checkbox"/>
C. 07' 18' 2004	Primary <input checked="" type="checkbox"/> General Other	40,000.00	<input checked="" type="checkbox"/>
D. 07' 27' 2004	Primary <input checked="" type="checkbox"/> General Other	120,000.00	<input checked="" type="checkbox"/>

11. Total Expenditures This Notice

12. Total Expenditures Election Cycle To Date

TYPE OR PRINT NAME OF COMMITTEE TREASURER

SHARON MAENNER CARRICK

SIGNATURE OF COMMITTEE TREASURER

Sharon Maenner Carrick

DATE

9-30-04

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For further information contact:
Federal Election Commission, 999 E Street, NW, Washington, DC 20463
Toll Free 800-424-8530, Local 202-694-1100

Page 1 of 2

25044123437

FEC FORM 10

24-HOUR NOTICE OF EXPENDITURE FROM CANDIDATE'S PERSONAL FUNDS (11 CFR 400.21 and 400.22)
(Millionaires' Amendment)

Page 2 of 2

1. Name of Candidate E.J. PIPKIN 2. Office Sought US Senate 3. State MD 4. District 5. Candidate ID Number 54MD00152

6. Name of Principal Campaign Committee PIPKIN for US SENATE INC 7. Committee ID Number C00391870

8. Address P.O. Box 100

9. City, State and ZIP Code Stevensville MD 21666-0100

10. Expenditures of Personal Funds (If the candidate has made expenditures for different elections, submit a separate Form 10 for each election.)

Aggregate Expenditures Previously Reported During the Election Cycle

DATE	ELECTION	AMOUNT	CHECK IF LOAN/DEBT
A. 08' 12' 2004	Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other <input type="checkbox"/>	21,000.00	<input checked="" type="checkbox"/>
B. 08' 20' 2004	Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other <input type="checkbox"/>	78,000.00	<input checked="" type="checkbox"/>
C. 09' 23' 2004	Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other <input type="checkbox"/>	200,000.00	<input checked="" type="checkbox"/>
D. 09' 30' 2004	Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other <input type="checkbox"/>	300,000.00	<input checked="" type="checkbox"/>

11. Total Expenditures This Notice 889,000.00

12. Total Expenditures Election Cycle To Date 889,000.00

TYPE OR PRINT NAME OF COMMITTEE TREASURER

SHARON MAENNER CARRICK

SIGNATURE OF COMMITTEE TREASURER

Sharon Maenner Carrick

DATE

9-30-04

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For further information contact:
Federal Election Commission, 999 E Street, NW, Washington, DC 20463
Toll Free 800-424-9530, Local 202-694-1100

Page 2 of 2

25044123439

ATTACHMENT B

TRANSMISSION VERIFICATION REPORT

TIME : 09/30/2004 13:13
NAME : STAPLES 0689
FAX : 14102665742
TEL : 4102669757

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

09/30 13:13
14104580411
00:00:52
03
OK
STANDARD
ECM

STAPLES copy&printcenter

Complimentary Fax Cover Sheet

To:

Mikulski Campaign

From:

Pipkin Campaign

Fax # (410) 468-0411

Phone # (410) 643-6319

Date:

9-30-04☒ Urgent ☐ Confidential ☐ Confirm ReceiptNumber of Pages:
(Including Cover)*3*

Reply Fax #:

Message:

25044123440

TRANSMISSION VERIFICATION REPORT

TIME : 09/30/2004 13:18
NAME : STAPLES 0689
FAX : 14102655742
TEL : 4102669757

DATE, TIME
FAX NO. /NAME
DURATION
PAGE(S)
RESULT
MODE

09/30 13:17
12022190174
00:00:53
03
OK
STANDARD
ECM

STAPLES copy&printcenter

Complimentary Fax Cover Sheet

To:

FEC

From:

Pipkin Campaign

Fax # (202) 219-0174

Phone # (410) 643-6319

Date:

9-30-04

☒ Urgent ☐ Confidential ☐ Confirm Receipt

Number of Pages:
(Including Cover)

3

Reply Fax #:

Message:

25044123441

TRANSMISSION VERIFICATION REPORT

TIME : 09/30/2004 13:16
NAME : STAPLES 0683
FAX : 14102665742
TEL : 4102669757

DATE, TIME
FAX NO. / NAME
DURATION
PAGE(S)
RESULT
MODE

09/30 13:15
12022241851
00:00:51
03
OK
STANDARD
ECM

STAPLES copy&printcenter

Complimentary Fax Cover Sheet

To:

Secretary of US Senate
Office of Public Records

From:

Pipkin Campaign

Fax # (202) 224-1851

Phone # (410) 643-6319

Date:

☒ Urgent ☐ Confidential ☐ Confirm Receipt

Number of Pages:
(Including Cover)

Reply Fax #:

Message:

25044123442

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ATTACHMENT C

FEC
FORM 1STATEMENT OF
ORGANIZATIONSECRETARY OF THE SENATE
04 JAN 14 PM 2:48

Office Use Only

1. NAME OF
COMMITTEE (in full)(Check if name
is changed)Example: If typing, type
over the lines.

12FE4M5

MILKULSKI FOR SENATE COMMITTEE

ADDRESS (number and street)

P.O. Box 13147

(Check if address
is changed)

BALTIMORE

MD

21203

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

MILKULSKI CAMPAIGN @ AOL.COM

COMMITTEE'S WEB PAGE ADDRESS (URL)

COMMITTEE'S FAX NUMBER

410-4681-0411

2. DATE

10 31 2003

3. FEC IDENTIFICATION NUMBER ▶

C00199273

4. IS THIS STATEMENT

NEW (N)

OR

X

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Saul E. Gilstein

Signature of Treasurer



Date

10 31 2003

NOTE Submission of false, erroneous, or incomplete information may subject the person signing the Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
OnlyFor further information contact:
Federal Election Commission
Tel Free 800-424-9630
Local 202-694-1100FEC FORM 1
(Revised 02/2003)

25044123445

ATTACHMENT D


Barbara
Mikulski
U.S. Senate 2004

Barb.log

Barb's Battalions

Contribute

Barb's Events



MEET SENATOR BARB

ISSUES MATTER

LIVE IN...

GET INVOLVED

BY BATTALION
ENTER

TELL A FRIEND

BARB'S PRESS BOX

TEAM MARYLAND

CONTACT US

HOME

44

22

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Contact Us

We would love to see you!

Campaign Headquarters:
Mikulski for Senate
The Bagby Furniture Building
509 S. Exeter St.
Baltimore, MD 21202
Phone: 410-468-0410
Fax: 410-468-0411
E-mail: senator@senatorbarb.com

Please mail contributions to:
Mikulski for Senate
P.O. Box 13147
Baltimore, MD 21203

or [contribute online!](#)

Contact the Mikulski for Senate Team:
Campaign Manager: Michael Morrill (mike@senatorbarb.com)
Deputy Campaign Manager: Chip Paucek (chip@senatorbarb.com)
Comptroller: Inge Knight (inge@senatorbarb.com)
Volunteer Coordinator: Sandra Kimble (sandra@senatorbarb.com)
Campaign Coordinator: Oren Shur (oren@senatorbarb.com)
Field Coordinator: Yu-Lan Tu (yu-lan@senatorbarb.com)
Web Consultant: Mark Reily (mark@senatorbarb.com)
Finance Office: Jenny Cizner (jenny@senatorbarb.com)
Executive Assistant: Maranda Sorrells (maranda@senatorbarb.com)
Office Manager: Nicole Young (nicole@senatorbarb.com)

Summer Interns
Lee Richmond
Elizabeth McNicol
Ashley Peddicord
Suzanne Eden

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Email Updates

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County:

Register

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Registered?
[Click Here](#)

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